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In re Application of :
Shuster, et al. :
Serial No.: 10/500,499 : DECISION ON
PCT No.: PCT/US02/41850 : PETITION
Int. Filing Date: 31 December 2002 : UNDER 37 CFR 1.47(a)
Priority Date: 31 December 2001 :
Attorney's Docket No.: 14848-007US1 :
For: METHODS AND MATERIAL FOR :
MODULATING ENAC-BETA :
:

This decision is responsive to the "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed 08 February 2006.

BACKGROUND

On 31 December 2002, applicants filed international application PCT/US02/41850, which claimed priority of an earlier United States provisional application filed 31 December 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 July 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 30 June 2004.

On 29 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, the basic national fee and an assertion of small entity status. These papers were assigned Application No. 10/500,499.

On 26 August 2004, the United States Patent and Trademark mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that applicant was required to file an oath/declaration and a copy of the sequence listing in both paper and computer readable form and an amendment directing its entry into the specification. The notification set a two-month time period in which to respond.

On 03 January 2004, applicant filed a petition under 37 CFR 1.47(a) requesting that the application be accepted without the signature of Ulf N.G. Arvidsson. The petition was accompanied by several declarations of inventors, the surcharge for filing the declarations after thirty months from the priority date, a petition/fee for a two-month extension of time and a declaration of M. Angela Parsons.

On 16 February 2005, a decision was mailed to applicant indicating that the petition was dismissed because it was not clear that M. Angela Parsons had first hand knowledge of the facts. Also, it was not clear whether applicant was alleging that inventor Arvidsson could not be found or was refusing to sign. Further, it was not clear that inventor Arvidsson had ever been sent a copy of the application.

On 17 May 2005, applicant filed a renewed petition. On 06 September 2005, a decision was mailed to applicant indicating that applicant had to be provided with a copy of both the application and the declaration.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor.

Applicant has now satisfied the requirements of (1), (2), (3) and (4).

CONCLUSION

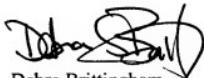
The petition under 35 U.S.C. 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given an international filing date of 31 December 2002 under 35 U.S.C. 363, and a date of 03 December 2004 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



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